

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:	
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<b>Pippig <i>et al.</i></b>	:	Confirmation No. 9170
	:	
App. No. 09/817,487	:	Art Unit: 1646
	:	
Filed: March 26, 2001	:	Examiner: Ruixiang Li
	:	
For: <b>Selectable Marker Genes</b>	:	Atty Docket: 4-31193A

**AFFIDAVIT OF LYNN MARCUS-WYNER**

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Lynn Marcus-Wyner declares as follows:

1. I am a registered patent attorney (Registration No. 34,869), previously contracted to render legal services concerning patent matters to Systemix, Inc., in Palo Alto, California.
2. While representing Systemix, Inc., I prepared and filed U.S. Patent Application No. 09/539,248 (which was later converted to Provisional Application No. 60/266,331) on March 30, 2000, naming Susanne Pippig and Gabor Veres as inventors. Upon information and belief, the above-captioned Application No. 09/817,487 claims the benefit of Provisional Application No. 60/266,331.
3. Exhibit A of the accompanying **Declaration Of Prior Invention Under 37 C.F.R. § 1.131** is a memorandum I authored and sent to Susanne Pippig and Gabor Veres on August 9, 1999. Attached to this August 9, 1999, memorandum was a draft of a patent application I had prepared, which I later filed as Application No. 09/539,248. I hereby testify to the authenticity of the memorandum and draft patent application provided as Exhibit A.

4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. Further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Subscribed to on the following date:

2/22/03

Lynn Marcus-Wyner

Lynn Marcus-Wyner  
Attorney at Law  
Registration No. 34,869